

22 MAY 2006



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Robert L. Stearns
Howard & Howard Attorneys, PC
39400 Woodward Avenue
Suite 101
Bloomfield Hills, MI 48304-5151

In re Application of
SALAMEH
Application No.: 10/501,817
PCT No.: PCT/DE03/00350
Int. Filing Date: 07 February 2003
Priority Date: 26 February 2002
Attorney Docket No.: 71027-016
For: STATIC SEALING ELEMENT FOR
ACOUSTICALLY DECOUPLED ADD-ON
PIECES

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's facsimile correspondence of 04 May 2006; supplemented on 18 May 2006. The papers are being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the present application. No petition fee is required.

BACKGROUND

On 07 February 2003, applicant filed international application PCT/DE03/00350, which claimed a priority date of 26 February 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 September 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 August 2004.

On 19 July 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an English translation of the international application and a preliminary amendment.

On 07 January 2005, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of \$130.00 for filing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 17 January 2006, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/09) indicating that the present application was abandoned as to the United States of America for failure to respond to the "Notification of Missing Requirements" (Form PCT/DO/EO/905) mailed 07 January 2005.

On 04 May 2006, applicant filed the petition considered herein; which was supplemented on 18 May 2006.

DISCUSSION

Applicant has presently provided a legible copy of the receipt postcard which shows a USPTO date stamp, "OIPE JC110 Patent & Trademark Office JAN 27 2005" and clearly identifies in part: "Executed Declaration & Power of Attorney" as well as listing the applicant, application serial number and attorney docket number. The evidence is sufficient to establish that an executed declaration of the inventor was received in the USPTO on 27 January 2005. Applicant has present provided a copy of the documents filed on 27 January 2005. The filed declaration complies with 37 CFR 1.497 (a)-(b). In addition, a review of the fee record for this application shows payment of the appropriate surcharge on 27 January 2005. As such, it is proper to GRANT applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 17 January 2006 is hereby VACATED.

The application will be given an international filing date of 07 February 2003 under 35 U.S.C. 363 and a date of **27 January 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) indicating a 371 date as detailed above.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459